

Attachment 2

Public Hearing

January 5, 2006 Public Hearing, Blanding Utah, Comments from: Sara Fields representing Glen Canyon Group / Sierra Club, Lori Goodman, Ken Sleight, Thelma Whiskers, Margarat Goodman, Anna Frazier, Bradly Angel, Helen Archie.

DEPARTMENT OF ENVIRONMENTAL QUALITY

Division of Radiation Control

PUBLIC MEETING

PLACE	Arts and Events Center Auditorium College of Eastern Utah - San Juan Campus 639 West 200 South Blanding, Utah 84511
DATE	January 5, 2006
TIME	6:00 p.m. to 8:30 p.m.
ATTENDANCE	
Conducting	Loren Morton, P.G. Section Manager Utah Department of Environmental Quality Division of Radiation Control Dean Henderson, P.G. Utah Department of Environmental Quality Division of Radiation Control Utah
Reporting	Jane Musselman
IUC Representatives	David Turk Ryan Turk Timothy Turk Cathy Spillman Dave Frydenlund Mike Spillman Ron Hochstein
News Coverage	Neil J David Joslin <i>Blue Mountain Panorama</i>
Public	

PROCEEDINGS

LOREN MORTON, P.G.:

We will now convene this public meeting. As you may well know, we represent the Utah Department of Environmental Quality, Division of Radiation Control, and this meeting – its purpose is to receive public comment regarding a license, proposed license amendment and a proposed change to a state Ground Water Discharge Permit. That's License Number UGW370004 and State Ground Water Discharge Permit UT1900479. My name is Loren Morton, and I'll be conducting this meeting tonight. If any of you would like to sign up to give comment and haven't done so, please do by signing in on this list here.

Again, our purpose tonight is to receive comment. Now we've got a court recorder here on my right, and she'll be transcribing all comments offered during this meeting today. And, we will be responding to those comments in writing and part of our public participating summary at the time the licensing decision is made. So, tonight, again, our purpose is to receive comments from you.

I'd like to treat everybody equally here and give them the same amount of time. Has everyone finished signing up on the list who would like to? Is there anyone else who'd like to sign in at this time? If not, – I guess there's one more gentlemen there. Okay, I'll wait for him, and then what I thought I'd do is call you up one at a time. I would like you to please state your name for the record. And if you'd like to offer who you're affiliated with, that's fine. And, then if you would like to provide your comments orally here, feel free to do so. I guess I need to decide how many minutes to give each speaker. I'd like to give everybody the chance to have the same amount of time, and then if there's more comments, we can receive you – provide a second round of comments if you'd like.

If you've signed up on the list and said you'd like to provide comments and then change your mind later, that's fine. Just let me know when I call out your name. All right. Has everybody hand a chance go sign up on the list? Okay, I've got seven individuals here who have asked to provide comments, and I'll call them up one at a time. Let me explain, as part of an introduction, the licensing and permit changes that are being proposed have to deal with a proposal for alternate feed material being processed at the White Mesa Mill owned and operated by International Uranium Corporation. The *Safety Evaluation Report* was published in early November – November 2, as I recall. I'm not gonna take the time to read into the record what was in that report, but rather today, I'd like to focus on concerns or comments you have and would like to voice.

Since we've got seven people who would like to – let me count them again and make sure I've got them right. Seven, seven people who would like to make a comment today. Let's got for – let's start with ten minutes each. Is that acceptable, and then if you need, after your ten minutes are done and everyone

Παγε 1 οφ 22 Πυβλιχ Μεετινγ 1/5/06

else has had a chance for their ten minutes of time, then if there's still more comments, we'll let you provide a second round as necessary. What I will do – I thought I would have this clock working tonight with these little colored lights, but I'm technologically challenged I'm afraid. So, we're gonna use a stop watch. My assistant, Dean, here is gonna help me with that. And, he'll give you a nod when there's two minutes left. And, then we'll ask you to stand down, please, when your ten minutes are up. And, again, we'll make sure all seven individuals have an opportunity to provide their comments today.

If you'd like to have a copy of this written response later, for those of you who have provided their email address here, we'll be happy to send them to you by email. If you'd like a paper copy mailed to you, please come up afterwards and give me your address, mailing address so I can mail that to you.

Okay. I think that's pretty much all the formalities. I think we're pretty much covered by our time limit. We've discussed our purpose here. Let's get started. First up. Sarah Fields. Do you want to step forward.

SARA FIELDS:

I didn't mean to be first. I'm Sarah Fields, and I'm here to represent the Nuclear Waste Committee of the Glen Canyon Group of the Sierra Club, which is here in Southeastern Utah. I've submitted written comment, so I just wanted to touch on some of the things that I feel are significant, but are explained a little bit more in my written comments.

I do want to say that I was very disappointed in the review of International Uranium's application as exhibited in the *Safety Evaluation Report (SER)*. The SER makes numerous assertions that I feel that are not substantiated, and the SER seems to provide totally on assertions made in IUC's application. And, I feel that the state of Utah should have made an effort to get more information from IUC, or IUSA as it is in their documents, in order to have a firmer basis for their assessment of the application. I think there's been a dearth of information to – readily available to the public. I think that the Division of Radiation Control should have announced receipt of the application back in March, so the public could have been aware back then and would have been able to seek further information from the EPA and the state of Oklahoma under the Nuclear Information – I mean, Nuclear Regulatory Commission, which licenses the Fansteel facility. A number of people I know had a problem with obtaining the application from the DRC through the GRAMA process. The DRC should have made an attempt to post some of the documents on their website. I don't know if they had an electronic version of the application that could have been posted for public use. But, the DRC did not do that.

It's pretty obvious that there's a need to place all the White Mesa licensing documents locally for public use. There are, also, people in Moab who wanted to attend the hearing, but were unable to travel to Blanding. A hearing was

requested for Moab, but the DRC chose not to respond positively to that request.

One of my concerns about the application and the SER review is the DRC did not get the information from IUC about all Fansteel materials. The only data that I see provided to the DRC was information about the ponds 2 and 3. There's no data about the pond materials, the underlying soils, the cover soils, or the debris that IUC proposed to receive. I don't know why the DRC felt that it could make a proper review when it only had some of the data related to the Fansteel materials.

Within the SER, the Division of Radiation Control, claims that the Fansteel waste is exempt from the definition of hazardous waste. I've looked at that definition exemption is in 40 CFR 261.4(b)(7). The SER doesn't quote that exemption, and where does it give a real reason why the Fansteel materials meet the requirements for that exemption? That exemption requires a determination of whether less than 50% of the feedstocks on an annual basis from Fansteel were from secondary sources. It requires a determination that wastes were from beneficiation operations. And, it, also, requires that the waste come from 20 specific mineral processing operations that are listed in Section 261.4(b)(7)(ii). And, as far as I can determine, that the Fansteel waste in ponds 2 and 3 did not meet that exemption; and that the ponds 2 and 3 materials are indeed mixed waste because of their chromium content. I've looked at some of the NRC records, and they're available publicly through the NRC website, and I've recently received a copy – or at least the first 100 pages, of a 1993 Fansteel report. These NRC records indicate that Fansteel and NRC and a subcontractor believe that the materials in ponds 2 and 23 exhibited characteristically hazardous concentration of chromium; and an NRC contractor believed that those materials should be regulated as mixed waste. I don't know why the DRC felt it has the authority to determine whether these materials can be exempted under EPA regulation. I don't see any evidence that the DRC went to either the state of Oklahoma or the EPA to request any determination from those agencies. I think this was an error, because these are – the EPA and the State of Oklahoma are the agencies which regulate hazardous waste in the State of Oklahoma. The DRC does not regulate the Muskogee Facility.

DEAN HENDERSON:
Two minutes left.

SARA FIELDS:
Another thing I would request is extension of the comment period. I am awaiting further documentation from the Nuclear Regulatory Commission. I'm, also, awaiting some determinations in response to my correspondence with the Environmental Protection Agency in Dallas in Region VI, which has some responsibility. I'm, also, in communication with the State of Oklahoma. And, I would like to make additional comments when I get further information from these agencies. Had I been informed back in March about this application, I would have had several months over the summer to pursue additional information

about the Fansteel materials. So, if I would have known earlier, I wouldn't of had to have this delay. Thank you.

LOREN MORTON, P.G.:
Thanks, Sarah. Let's see. Next up, Bradley Angle.

FROM THE AUDIENCE:
Wasn't there somebody from (inaudible).

LOREN MORTON, P.G.:
That party has requested to go last.

FROM THE AUDIENCE:
(Inaudible).

LOREN MORTON, P.G.:
All right. We can come back to you. I can go to the next person, if you'd like. I won't guaranty you'll be last, but we can defer for now. The next person, Lori Goodman. If I mispronounce your name, I apologize.

Deleted:

LORI GOODMAN:
Hi, my name is Lori Goodman, and I'm from the Navajo with the organization Dine Care. And, I just speaking on behalf of people from Aneth, Montezuma Creek. Those people are down wind. There should be a hearing set over there. Why is there not any hearing set on the Navajo Reservation? They're gonna be impacted, because they're down wind.

Another big worry is two years ago there was comments about, you know, the need to do preservation, historical preservation. There's some sacred sites and stuff like that. I believe none has been done, has been given any look at all. So, that needs to be in there as well.

And, we would like better definition of what goes into the alternative feed. What is in there? And just like the speaker before me asked for to know that. That's another request that we like a breakdown of what alternative feed is and the amount. And we would like to have a clear picture of the total amount, tonnage, that would be going in. That's another one.

But, as far as the Navajo people being down wind, it was – I mean, it was injustice not to have a hearing. That's environmental racism, and environmental justice needs to be adhered to here. And, so there needs to be public hearings.

I guess those are the clear violations that we see: preservation of sacred sites and any consultation with the Navajo Tribe. And, I think that these consultations have to be adhered to under the National Historic Preservation Act. Thank you.

Παγε 4 οφ 22 Προβληχ Μεσινυ 1/5/06

LOREN MORTON, P.G.:

Thank you, Ms Goodman. Next up, Ken Sleight.

KEN SLEIGHT:

Thank you for coming down to Blanding. We asked on several occasions that – that you come down to a number of the other communities, especially maybe White Mesa and Aneth and possibly other chapters of the Indian people. You refused to do so. Mr. Dane Finerfrock said – he wrote me a letter and stated that he was not legally required to offer second meetings. A single meeting also meets the requirements of the rules that we have.

Are we here to just meet the bare requirements? There's a thing called environmental justice and the need to get the information out to the people. I note tonight that there is no information out on the tables; the application of IUC. This

is great time to be able to educate the people, but there's no information here for the people. I don't understand why. I wrote a letter to the Radiation Division of the State of Utah, and I'd like to read part of it. "As public comments are due by Thursday, January 5, regarding the IUC license amendment, the time is short. I find that the public has not had sufficient time to study important documents; mainly because they are unaware of them. If the public hasn't the publications in hand to study, how is it to respond? As no public hearings are to be conducted in the Navajo or Ute Reservations, this is of even greater critical importance, especially health wise as there are many victims from radiological poisons from past years and possibly ongoing. We should not discriminate against our Native American peoples, and we should do all in our power to see that they are included in the process. Again, it's a matter of racial and environmental justice. Especially is this matter of great importance especially in San Juan County and the Navajo Reservation where distance is so long and people are so isolated. In their case, no less than a 90-day comment period should be instituted. At least 180 days would be much preferable."

"I again ask for an extension of time as recently requested. We request your immediate attention. Please send the literature and information you have for inspection in your office on this matter to all libraries, schools, chapter houses, government offices, and to all other requested groups and individuals that reside in our far-flung area. Also, this same information should be sent to news offices spread throughout our region, including the Navajo and Ute Reservations. This should be done without charge. I would be glad to supply you their addresses." And then I ask, "Where else are these documents to be presently found. Have copies been placed in libraries or offices in Grand County, which is very vitally concerned, San Juan County, White Mesa, Navajo Nation, or the chapter houses in Aneth? If not, please advise?" I never got an answer. And then I said, "Please send a copy of each of the related documents, without charge, to my office for our own inspection and study." And I gave you my address. Copies that we desire

Παγε 5 οφ 22 Πυβλιχ Μεετινγ 1/5/06

M. Jane Musselman

Certified Court Transcriber
P.O. Box 531
Monticello, Utah 84535
Telephone: (435) 587-2351

sent to the above entities include (1) the application by International Uranium for an amendment to its license regarding this matter, and (2) the draft Safety Evaluation Report, and (3) other related documents that are located at your office for public inspection regarding this matter. Thank you for your consideration of this and former requests.” I sent a copy to Mark Maryboy, Navajo Nation Tribal Council. I did get one letter back saying you’ll send the information to me if I pay them \$45 – Forty something dollars for information that ought to be in the public’s hands. I’m not well to do, but I’m certainly much more well to do than a lot of the Navajo and the Ute people. We need more time. And, I ask again that you extend the comment period; that you have informational meetings throughout the Navajo and Ute Reservations before we even consider the application.

With regard to the ore, the nuclear waste. This is not ore. This is nuclear waste coming from Japan. Now coming from Japan. You have loads of that nuclear waste coming from Tonawanda, New York. We saw what it did in Moab. We saw what it did in the traffic coming down from San Juan County. But, the most important thing; what is it doing to our health. Our health.

DEAN HENDERSON:
Two minutes.

KEN SLEIGHT:
Not long ago the *Salt Lake Tribune* wrote an article by Lisa Church about the cases of cancer in the Monticello area. And, for a long time, we have said we need studies before any more of this stuff comes into our county. Me and my kin have come down with – in San Juan County, with cancer. How do we attribute it? I don’t know. Was it the nuclear waste? We don’t know. But, we need independent epidemiological studies before we go any further. This article states two community surveys in 1993 and 2005 of past and present residence have encountered almost 400 hundred cancer cases including 17 cases of leukemia among those who responded. What about all of those who didn’t respond? The Four Corners has a real high incidence of cancer, probably much more than any place in the State of Utah, Colorado, New Mexico or Arizona.

The State of Utah, the radiation people, the Radiation Control Board once stated that shipping this material is sham disposal – sham disposal. Why now do they approve an application by IUC to ship it to us. Then I wonder out in the beginning of the study phase before they approved this shipping it to us –

LOREN MORTON, P.G.:
Time’s up, Mr. Sleight.

KEN SLEIGHT:
Okay. I’m just going to take a coupe more minutes.

LOREN MORTON, P.G.:

Παγε 6 οφ 22 Πυβλιχ Μεετινγ 1/5/06

No, sir. You're done.

KEN SLEIGHT:

What did you say?

LOREN MORTON, P.G.:

I said, "You're done." It's time now for the next person to offer their comments, and I would be happy to give you a little more time at the second round later.

KEN SLEIGHT:

Okay. I'll bring this up at the Radiation Control Board tomorrow.

LOREN MORTON, P.G.:

That would be fine.

KEN SLEIGHT:

At Salt Lake City at the Radiation Control Board meeting, 'cause I thing that the State of Utah has not done their duty in this regard. Thank you.

LOREN MORTON, P.G.:

Thanks. Next up, Thelma Whiskers.

THELMA WHISKERS:

My name is Thelma Whiskers, and I'm from White Mesa. I'm a Ute, and I'm a tribal member. I'm here to let you people know that we do not want the White Mesa Mill to be close to our reservation. And, the San Juan, here, they just look over us. They don't – they don't say that there's a little reservation here Blanding – between Blanding and Bluff. They just look over us. That's how the San Juan is here. And, they don't count the Ute. They just look over my people. And here they're bringing some kind of chemical to our – close to our reservation, and it hurts. My people are suffering down there. My people are sick, especially the elderlies [sic]. And, I don't know why people are doing this to my people, and we don't want it to be close to our reservation. And, the young ones, they're start having a health problems. And, also, they're hiring the young people, young guys. They don't train them. That's dangerous for the young mans for them to work there. I want them to be safe. I want them to live longer with their families, with their lovely little childrens [sic]. And, look what they're doing to them. And, lot of people, my people, they suffer when they didn't know, when they used to work for the mine. Now, they're all gone. Now, the young ones, they're doing this to the young ones now. They're not training them. They're not telling them what it does – what it will happen to you later on. No. I hear a lot of young ones are telling me that. They ask me if it was safe for them to work there.

And, also, I got ancestors are buried there. It's hurting me what they're doing to my ancestors. Even the babies were buried there. And, you hear the people.

M. Jane Musselman

Certified Court Transcriber
P.O. Box 531
Monticello, Utah 84535
Telephone: (435) 587-2351

Παγε 7 οφ 22 Πυβλιχ Μεετινγ 1/5/06

They don't think, we're hurting, we're hurting. We got a heart like how they are, too. We got the feelings. And, now I heard they're bringing some kind of chemical that's really dangerous from Japan. And that's what I be telling my people, especially the elderlies [sic]. They want to come to this meeting. I don't

have big ride. They're on a wheelchair. They want to say something. They want to come up here and say something. They're crying; they're suffering. Why don't you listen. You go to meetings. You say in front of them, Radiation Board. They always say, "Why don't they listen to you?" Why don't they say, "Okay. Let's close – let's shut it down. Let's take it somewhere else where there is no people." My tribe, they're not that many. Here at White Mesa about two or three hundred people with the little ones. And, also, they're other Natives from Montezuma and Aneth. They don't like it, to be close to that Ute Reservation. They are helping me. I've been fighting this against this. I go to Salt Lake and get in front of their boards. I don't know. Maybe they just laugh about me. I got grandchildren that they come to school to Blanding. Every morning when I get up, I can smell that. Yeah, about three or four months ago, it was nice and good air. But, no; now you can really smell that bad air now. And, and here they start bringing the – I wish you people would listen. I don't wanna it to be close to our reservation. I know the San Juan are just looking over us. The Governor Leavitt was here about three or four years ago. I was in that meeting. He didn't mention White Mesa. All he mentioned is Blanding and Bluff, Mexican Hat, Montezuma, Aneth. He didn't say White Mesa. There's a little Ute Reservation just down here about thirteen, fourteen miles. No, he didn't said that. That's why he really hurt me. That's why I was really feeling bad about that. The San Juans are like that to us, to my people, to my tribe. That's when I went to Towaoc and talked to my council people over there. Then when that had meeting, they all showed up. They talked against it. They said they was gonna come tonight, but they didn't show up. So, I wish you people would listen to me. We don't want it to be close to Ute Reservation. Please write everything down. Send it to Washington or wherever all that paper comes or to the radiation boards. I've been fighting against this so many years. I keep coming out with same old thing, same old words. So, that's how San Juans are. That's how they treated my people. They don't count the Ute Reservation. They don't. They just look over us. So, I wish they would stop and say, "Let's shut it down. Let's move it somewhere else – where they have big city." We don't want it. I don't want it to be close to my reservation. I want my people, the young people, to live longer. They got families, they got little kids. Thank you. That's all I'm going to say.

LOREN MORTON, P.G.:

Thank you for your time Ms Whiskers. Next up, Margaret Goodman. Oh, and before you get started Margaret, may I mention that if any of you have written comments you want to give to us tonight, we would be happy to receive those before we leave. Go, ahead Ms Goodman.

MARGARET GOODMAN:

Okay, my concerns are like I've gone to a couple of these meetings, and my concerns are really actually the plants that we Native Americans use for medicine

and the animals that we use to eat, the deers, the rabbits, and I know that there's a couple of ponds over there, and they're, you know, I know that there's a deer that was skinned, and it had green meat. And on the news, I do believe I heard on the news that they had said that the nearest town from the mill was Blanding and Bluff. White Mesa was never mentioned. And all these meetings, you know, that you're having might be simplified for the Native Americans that are not as educated as you guys are, because I did get one of packet that half of it, I really didn't understand because it was just all basically – To me, it was in a different language, and I didn't understand it. Okay. But, those animals drink from that pond. We Native Americans live and breath off of nature. We need all of it. This herbs has to offer us. Like I said, which one of you can raise your hand and say that plant life and animals is a way of your everyday survival. Do you go you, you know, for your sores, for whatever ailments you have, to go pick up the herbs to get yourself better? And, I feel that letters should be sent out to notify people that these meetings are occurring. I've attended these a couple of times. I have not received one single notice of these meetings that have been going on. How many lives are your willing to play with in order to get the money that you might be receiving to keep these mills open? How many lives are you willing to give up to risk to keep this thing open? I know that on the reservation, the slightest footstep you make, there's dust that comes out of it. How much of that dust that's coming out of your mills are people inhaling?

Deleted:

Well, I was wondering how many of your workers are certified. We know a couple of them that aren't certified to work with hazardous waste. We do know an employee that got burned from cleaning your drums, your barrels with acid was only given two weeks workman comp. Do you have any certifications in your employees or are they just from the community and none of us have their certification.

I for one, I'm against it, because we live off of that land. You, I don't think you guys do live off the land. You guys sit in your houses. You guys have your meat processed, but we don't. We have to dry our meat sometimes outside in the fresh air to keep it, to preserve it to eat it. We have to dry out our herbs. And, what is in the air? The dust. So, me, from where I stand, I don't believe, and I don't think it should be left open considering – All of you should consider all the people that live in White Mesa on down to Aneth. And, a couple of these people are right. Have you notified the Navajo Nation or a chapter house near there or the chapter house here in Blanding? How many notifications have you sent. I haven't received anything. And, I know that this board or whoever is trying to keep this open has my address. I have to hear from hearsay that these meetings are going on. Thank you for your time.

LOREN MORTON, P.G.:

Thank you, Ms Goodman. Next Anna Frazier. Would you like to step forward?

ANNA FRAZIER:

Good evening. I am from the Navajo Nation, Dine, from Delcon [sic], Arizona. I'm gonna be speaking opposing the IUC's application for amendment to receive the waste from FMRI from Oklahoma for the White Mesa Mill. I was here about a year ago in January when you had that hearing to take the waste from Moab. And, some of us, the Native people that are here, I remember seeing them here too, that we opposed the removal of that waste to here. You know, we didn't want the White Mesa to be a part of the – one of the alternative facility to take the waste. The reason for not wanting the waste here and not wanting anymore amendments or anymore to receive any type of alternative feed material into this facility is because of our long, hard fight against the facility here, the White Mesa Uranium Mill.

I remember that from way back from the late 70's, some members of the Ute Tribe and Navajo Nation have stood against the facilities all those years. And, unfortunately, some of the people that have stood up against the mill are not here with us today.

When the *Safety Evaluation Report* that you put out does not really address or define the material that is gonna be received here, the alternative feed material. It doesn't really describe what type of material it's gonna be. That's a big concern to us, because we don't know whether it's gonna be full of high radio-active material. I guess you probably have read in the paper about the Navajo Nation making a decision. Our government has made the decision to not open any more mines, uranium mines, here on the reservation because of the history of our people have been – most of them, mine workers that worked in the uranium mines back from the 1930's are no longer with our people. And it has effected [sic] the young people now and the family members. So, that's a long history of – of elimination of those – of our people. The strain is still there. Our young people, our children are being born deformed, and there's a lot of studies that were made, and there are results from what happened. And so to continue to have a mill here at White Mesa that is – The elevation is higher here, and it is down by the river where our people live, where the Navajo people live, where Montezuma and, also, Aneth; and then where White Mesa Utes live. It's down river, and there is no way that you can say the radiation or any type of contaminants is not gonna run down that way. It has to. It has to. And, there's no way that you can say that the ponds here are safe. It's not safe. A lot of these linings – I, also, participated in the tour that we took about two or three years ago at the mill. And, they told us that the lining of the pond – the life of the lining is only like from twenty to thirty years. And, how long has it been since it was installed. You know, those are some things that concern us. And, so, you know, like the scientists and the engineers, you know, they say that there's no way – that there's no danger for the people that live in this area, but there is.

M. Jane Musselman

Certified Court Transcriber
P.O. Box 531
Monticello, Utah 84535
Telephone: (435) 587-2351

Παγε 10 οφ 22 Πυβλιχ Μεεπινυ 1/5/06

We have requested to have the hearings in Aneth and, also, in White Mesa before, and we have – we have been here before, you know, talking against the mill. We have talked against bringing in more waste to here. But, the meetings that we requested to be put out in the White Mesa and the Aneth, Utah was not acknowledged or I don't know if it's gonna be scheduled there. But, to ignore the requests of the native people that live here in this area is a civil rights violation. To ignore the people here who have lived here for generations before – before the white man came. They're the ones that know where their cultural ancestors and the burial grounds and all that, where those existed. And, I understand that there some underneath the facility where the White Mesa Mill was built. And, so, there's a lot of violations that the town of, I'm not sure, the town of Blanding, I understand is in support of that, --

DEAN HENDERSON:
Two minutes left.

ANNA FRAZIER:
(Continuing) – the mill itself. So, what needs to happen, I think, is to have acknowledged the people who are your neighbors. They are constituents of the State of Utah just as well as those people who live in Salt Lake City and those people who live in Ogden, Utah. So, they should be given that right to speak and to have hearings held there where it could be interpreted into their language. And, we, also, would like to request an extension of this hearings be extended so that the information could be given to our Navajo people and our Ute people in their own language so that they understand what is happening within their community and within the air that the breath, within the – they live down wind from here, and they live down river, so they have a right to know. Thank you.

LOREN MORTON, P.G.:
Thank you Ms. Frazier. Okay. Bradley – Is that Angel?

BRADLEY ANGEL:
Yeah. Good evening. My name is Bradley Angel, and I'm the director of the Green Action for Help in Environmental Justice. I'm here tonight at the request of our constituents who live in the White Mesa Ute community, who live in Blanding, and, also, in Moab. And, I, also, speak as someone who lives right up the street from where I can see radioactive waste trucked down to White Mesa. And, we're here in opposition to IUC's request. And, I urge you and I challenge

you – dare you to somehow try to come up with a legal and scientifically valid response to all the good points the people have raised tonight, including Sara Fields extensive written comments that were submitted, because I don't know how you could possibly address those points and still issue this permission.

But, I want to address some other points as well, and I think it just happened a few minutes ago here is really great and very distressing illustration of the biases, the

prejudice, and the favoritism shown to IUC. When I came in tonight, there was a sign-up sheet, and you are calling everybody in order. Mr. Hochstein of IUC, I believe was the second person, but mysteriously, out of process, in some non-described process, you've allowed him to speak last. I requested to speak last, and I've been called to the microphone before him, even though I signed up after him. Now, it may seem like a little thing, but it's not, because this favoritism and side deals are happening not just, I believe, who gets to speak in what order. But, it sure leave a questions about what other agreements have been made with IUC.

In my opinion, this hearing is a joke from the order of speakers to the fact that there was not one drop of information. So, I'd like to ask Mr. Morton right now if you can tell me why Mr. Hochstein was allowed to speak after everybody else, and why he gets preference over other members of the public.

LOREN MORTON, P.G.:

I'm not here to debate with you Mr. Angel.

BRADLEY ANGEL:

Is there some secret regulation ongoing or not-so-secret regulation that I'm not aware of that allows a company to speak out of order? I don't think there is. And, so, I challenge this whole hearing and the propriety of it.

Next, I've been coming to meetings, and our organization has been attending meetings for years about this facility, including speaking before your agency. And, like other speakers have said, you have my address; you have my email. Yet, I have to find out about this hearing not from the State, but, thankfully, to Sara Fields. That is improper. I then requested, because I noticed a lot of residents in Moab and Grand County were requesting that a hearing be held there.

The state's from Mr. Finerfrock was, "Well, that's not required." But, it certainly wasn't prohibited, yet he chose not to do it. But, I think, even more importantly, I then set an email saying there should also be, and we request on behalf of our constituents from the White Mesa Ute community, that a hearing be held at White Mesa on the reservation. And, the response was that it was – the state said, "Well, our policy is to have it in the community closest to a facility." Well, guess what? The White Mesa Ute community is the closest community to the IUC mill, not Blanding. And, we do believe the hearing should be in Blanding. It should have also been at the White Mesa Ute Community, the nearby Navajo communities, and in Moab. But the state's policy was to have it in the closest community and then ignore the existence of the White Mesa Ute community is continually a pattern of racism and discrimination that is just so insulting to people. We, also, believe it's illegal.

About two years ago – Let me, also, say that this afternoon, just because I wanted to check, I called the Ute Tribe's Environmental Department. They told me that hadn't received notice of this hearing either from your agency. How is that possible? And, it's completely improper. Now, two years ago, approximately, I joined another resident from Moab and many members of the White Mesa Ute

M. Jane Musselman

Certified Court Transcriber
P.O. Box 531
Monticello, Utah 84535
Telephone: (435) 587-2351

Παγε 12 οφ 22 Πυβλιχ Μεετινγ 1/5/06

community in traveling to Salt Lake City and joining them in a presentation before this very agency. And, at that time, we put on the desk volumes of archeological studies done at the time this facility was about to be built. And, they showed destruction of sacred sites, destruction of precious, not just archeological sites, but culturally and spiritually significant religious sites. And, we put you on notice, and tribal members put you on notice at that time, and said, "Don't come back and pretend that you didn't know about this." And, that is exactly what your agency is doing: pretending that it doesn't exist. You know it does, and you haven't addressed it. In the so-called *Safety Evaluation Report*,

where did you address the impacts the tribal members talked about tonight? Where did you address the – the potential impacts on people who do substance hunting and gathering for use of medicinal herbs? Where did you address the, what appears to be new information about high rates of cancer in the area. I don't think you have.

What is going on, and I reminded your agency two years ago, and I do it again tonight. We live in a country of the United States of America, and whether your agency likes it or not, you're part of that. And, whether you like it or not, you're subject to its laws. And, whether you like it or not, there's something called the United States Civil Rights Act, and under Title VI of that Civil Rights Act, as I've told you before, it states that entities like yours that receive federal funding are prohibited from taking actions that have discriminatory or disproportionate impacts on people of color and low-income communities. And, that includes the White Mesa Ute community; and that includes nearby Navajo communities. You haven't notified people; you have no information in any language, and we certainly support the request that there be information in the native languages, because some of the people are monolingual.

DEAN HENDERSON:
Two minutes.

BRADLEY ANGEL:
You're cutting deals with the company to let them have the last word, improperly. You refuse to even recognize the existence of the White Mesa Ute community as the closest community in complete violation of stated policy as we have had in writing from your agency. You fail to evaluate the cultural and special health impacts. This stuff isn't honest. And the claim that somehow there's not even a potential significant impact would laughable if it wasn't so serious.

And, so I challenge the State, I challenge IUC. How would you like it, and I know you wouldn't; how would you like radioactive waste dumped or treated, whatever

you want to call it, where your ancestors lived. I don't think you would like it one bit, Mr. Hochstein. I don't think you'd like it one bit. And, I don't think the

State would like it one bit, but that is what's precious what's happening. You can

justify it; you can rationalize it; you can smirk; but that is exactly what is happening everyday that plant is open. I know that IUC didn't build the plant there. We understand that. But, everyday that plant is open and material, poisonous material is placed there, as we've heard from the Native people who live here and whose accessorial lands are here and whose ancestors are buried there, it is desecration. And it is a very, very serious thing. And, it's illegal, we believe, for the State to continue to allow this. So, deny this application, start doing proper notice, treat the citizens of this country as we are entitled to be treated, –

DEAN HENDERSON:
Time.

BRADLEY ANGEL:
(Continuing) – and don't have a double standard, one that allows the company to sign up second, but get to have the last word. Lastly, we request an extension of the comment period, public hearings in the places; and I want to come back after Mr. Hochstein speaks.

LOREN MORTON, P.G.:
Time is up. Thank you. Okay. Mr. Hochstein, would you like to make some comments?

RON HOCHSTEIN:
No.

LOREN MORTON, P.G.:
Okay. Now, I know that there were a couple of other people who had some concerns or maybe had additional information that wanted to share with us. If I remember right, that was Sarah and Ken. Did you want to start a second round of comment. I'm here until 8:30. That's when this meeting ends unless you decide it's over sooner.

FROM THE AUDIENCE:
(Inaudible).

LOREN MORTON, P.G.:
Oh, I apologize. Helen Archie, I apologize. Why don't you come on up. I think you're the last one, and then we'll start second rounds.

HELEN ARCHIE:
Good evening. My name is Helen Archie, and I'm with the Dine Care. If you treat me right, I'll treat you right, too. Tonight I'm here on behalf of my people, and I'm a resident of Aneth community. I'm here on behalf of my people. And,

I'm also one of the concerned citizens. Straight out, I'm gonna tell you that I am in opposition to the proposal of IUC, because we have a lot of reasons for us

Native people to be concerned and to proposal and the ongoing energy resources, because, do to the fact that our community people are being impacted. Their livelihoods are being impacted and, also, along with our water, our soil, and our air are being impacted. Tonight I was gonna bring each one of you a bottle of the water that we drink in Aneth, which is contaminated. I don't know if you would have accepted it or not. I know that you wouldn't want to take a sip of it. But, that's what we drink daily. Our little children, the infants, we use that water. We utilize that water to feed our little children. And, we put that water into the formula.

And, I agree with what Bradley had just said and Thelma, and I am A hundred

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percent behind them. I strongly feel that our community of Aneth is going to be impacted by this the energy people proposal of the ICU. My people down there in the Aneth area, they have no knowledge at all of this meeting. No one has ever been informed, and if your newsletters had went out, or maybe you could have put it on the air, then you wouldn't sitting at empty chairs, because all of our people, the Ute Tribes, the Navajo Tribes, they are in opposition of these proposals. And, tonight I would like to request that you take this hearing down to Aneth Chapter. And, when this hearing is taking place, I request that there be a Navajo speaking translator there, because most of my people do not speak fluently English nor understand. And so tonight I request that you take this hearing down there. And, our tribal leadership are not aware that these proposals are being proposed. So, tonight I feel disappointed because of the violation against my native people. I see that their civil rights are being violated. And, it is really sad to see the people the way they live and voicing their concerns especially to here tonight what they have to say. Some of the things that I never knew of, they're talking about: their food, the burial sites. And, it saddens your heart to hear your people to speak of these things. We, the native people, we do not step into your territory and ruin your land, your food, your water, your air, your soil. But, you do. And, it's so upsetting. I'm not even going to say I apologize to you guys that I'm upset tonight. And, so, I'm gonna request tonight that you take this hearing down to Aneth Chapter. And, what Bradley just had said, as he was speaking and I was standing out there, he was told that this is not the time to debate. I thought we're all here to debate tonight. So, you're here to hear our concerns, and you called this meeting to hear the people's concerns. Therefore, I think we should debate on these issues, because you're killing our people. You're contaminating every

lives of the Navajo people, the Ute tribes, even the Anglo people that live here in Blanding. And, so, tonight I'm gonna tell you that I am one-hundred percent opposed against this energy resources that are being proposed. I don't think you should bring anymore projects into the native lands, the reservation of the Navajos and the Ute tribes. If you want to get rich, do it on your own land. And,

maybe you can drink some of those contaminated waters, because our underground water is being contaminated, the aquifers are. You know, you've taken everything that's in the earth. The natural spring waters are all contaminated. You can

visually see the dirty air. We shouldn't live like that. We native people, we also have a heart. We also have feelings just like each one of you that are here tonight. We all want to live peacefully just like the way you want to. We all like to have a good sleep at night instead of dealing with these nightmares, what we're gonna face again the next day.

LOREN MORTON, P.G.:
Two minutes.

HELEN ARCHIE:
So, you have two minutes. But we never gave you the time when you're drilling into the earth, we never said that your time is up. We let you drill and take out whatever you want. Whatever minerals you want, you took out. So, I think that you shouldn't give us time limits. I mean, what's three minutes; what's two minutes? You're not gonna even hear what you want to hear from the native people. There's a lot of things that we have to say, and it's your fault. You called this meeting to hear our concerns. So, I would ask when you come down to Aneth Chapter, don't go by time. If we're gonna have to keep you at our chapter maybe a day and a half, we will have to. And, this is all I have to say.

LOREN MORTON, P.G.:
Thank you Ms Archie. All right. Now, we've got – I know a couple of people ran out of time. I want to allow any follow-up presentation you'd like to make. If I understand – if I remember correctly, that was Sarah and Ken, Mr. Sleight.

KEN SLEIGHT:
Can we have Mr. Hochstein first?

LOREN MORTON, P.G.:
He decided not to speak tonight.

KEN SLEIGHT:
He's not speaking tonight.

LOREN MORTON, P.G.:
He was given an opportunity and declined. But, I'd be happy to start – Now, everyone has had ten minutes. Sarah, if you'd like to start our second round. And second round, again, will be ten minutes, and we'll go until everyone is exhausted or 8:30, whichever comes first.

SARAH FIELDS:
I did want to state that we are opposed to the IUC proposal to process the Fansteel

material. And, I believe in general, opposition is based on the fact that processing and disposing of this material would be in violation of the Atomic Energy Act and NRC, EPA, and state of Utah regulation.

I think I have reviewed more licensing documents related to uranium mills, both the IUC mill and the Moab Mill than most people. And I was truly shocked at the poor quality of the Division of Radiation Control's review of the IUC application.

I'm not often shocked by the quality of the work of a regulatory agency. People here in Utah had the idea that when the State of Utah took over from the NRC the regulatory responsibility for the uranium mills that the State of Utah would do a better job than the NRC was doing. And, I thought that would be true. I now do not feel that that's true. I do not feel that the Division of Radiation Control is doing a good job. I think one of the problems with the *Safety Evaluation Report* is that there really is no guidance document, no State of Utah guidance document that lays out which should go into a Safety Evaluation Report. As was – has been discussed, one thing that is sorely lacking is any mention of environmental justice issues of the impacts to the plants and animals that are used by the native

community surround White Mesa. So, maybe before the State of Utah goes forward, they should come up with a guidance document and put that out for public comment so the public can have input on the types of material that should go into a Safety Evaluation Report.

Another thing that I felt was confusing in the SER was the SER kept stating over and over again that the FMRI material was alternate feed material. But, then when I went to the State of Utah statutory definition of alternate feed material (It's in Section 59-24-1 and 2 of the Utah Code), it states that alternate feed material does not include, this is a quote, naturally occurring radioactive materials containing greater than 15 picocuries per gram of radium 226. Now, the radium 226 content of ponds 2 and 3 of the FMRI material ranges from 138 to 400 picocuries per gram of radium 226. It, also, contains large amounts of radium 228, which is not really addressed in the SER. But 128 to 400 is a great deal more than 15 picocuries per gram. In November I addressed a question to Dane Finerfrock, but I have still not gotten an response. So, I really don't see how this

pond 2 and 3 material meets the State of Utah's definition of alternate feed material. It, in fact, really doesn't meet any other – any statutory or regulatory definition except for the definition of mixed waste. The State of Utah thinks it meets the definition of ore, but that's only a policy guidance. That is not a statute. That is not a regulation, and it does not have any force and effect of law. I do not believe the State of Utah can use a policy guidance even though the policy guidance was developed by the NRC to, in effect, amend statute and amend regulation. One of the things that was totally lacking in the SER was any reference to any statutes and regulations that were being implemented in the review of the IUC application. I will say that the State of Utah and IUC should expect continued opposition to the this proposal.

Oh, also, here's the surety. The SER indicated that IUSA does not have to increase the surety to cover the costs of disposing of the FMRI materials should IUC should close before the materials are processed, because they assume that

they would be able to dispose of the materials in the tailings impoundment. I don't know if they can legally do that, because the material is mixed hazardous and radioactive waste. IUC is not a mixed waste facility. It is not authorized to receive and dispose of mixed waste. So, the surety should be increased to cover the cost of disposal of those materials at a mixed waste facility. It is interesting that Fansteel and the NRC at the beginning of the Fansteel decommissioning process assumed that ponds 2 and 3 materials would be disposed at the Envirocare facility as mixed waste.

Thank you for the opportunity to comment. I hope that the DRC will provide an opportunity for extended comment and will also provide an opportunity at Aneth and White Mesa for the Ute and Navajo communities to make oral public comment and do a better job in providing of relevant information to the community. Thank you.

LOREN MORTON, P.G.:

Thank you Ms Fields. Okay. Ken, did you have something else you'd like to add to your previous statement?

KEN SLEIGHT:

Just a little bit.

LOREN MORTON, P.G.:

Okay. Again, ten minutes.

KEN SLEIGHT:

I won't take that long. I want to know, since the State once said this was sham disposal, defacto nuclear waste dump built in each an amendment is approved, it becomes even much more hazardous for the community. As I stated, health is our big concern. In my past concerns, I often wondered the contributions of nuclear waste dump to our community. It's bothered me a lot that looking into it, we do get some tax money from it. We do get some employment from it for the county.

We've always asked one question that's never been answered. Along with this processing of this uranium ores, sort of speak, and all the other chemicals that's in there, IUC not only gets paid for processing, but they also get a tremendous hunk of money off on the side to accept this stuff. I often wondered how much that was, minerals coming to San Juan County. We're asked to accept the so-called ore, all these wastes from Japan, Tonawanda, New York, and god only knows where else. Who's paying for our health costs? I often wondered just how much IUC is paying of those million dollars they're collecting on the side for taking this waste that's not coming into the coffers of San Juan County. I think this is a

Παγε 18 οφ 22 Πυβλιχ Μεσινυ 1/5/06

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P.O. Box 531
Monticello, Utah 84535
Telephone: (435) 587-2351

legitimate question. What is the total amount that IUC is collecting. Maybe the State has that information. I don't know. Maybe it's privileged. I don't know. But, it keeps coming up. We're asked to shoulder the hazards, and they dump it on our land. The Navajo and the Ute people denied the State, "We don't want this

stuff in the first place." Again, I ask you to take back to the board. We need information. We need you to go to all these various areas we talked about previously, educate us on what in the world is going on here.

LOREN MORTON, P.G.:

Thank you, Mr. Sleight. Okay. As I remember, Mr. Angel, you might have a few extra words to say? Step on up.

BRADLEY ANGEL:

Again, my name is Bradley Angel. In your response to comments, of course, we hope you decide to actually comply with the laws of the land and your mandates and including protecting, you know, public health and the environment from what could be a potential serious risk and thus turning down this application.

And, I also look forward to seeing the response about in terms of compliance or violation with Title VI of the Civil Rights Act. And, we'll all be watching to see if the State Division of Radiation Control would be deciding and realizing, "Yes, indeed, we are, Utah is part of the United States, and we are subject to its laws, and as a State agency, responsible for actually implementing those laws and abiding by those," or if you decide to grant IUC's application, I guess somehow you're gonna have to explain either that Congress that we weren't watching in the last few days has got rid of the Civil Rights Act or Utah seceded from the Union. Since I don't think either of those are gonna happen, I don't think you're gonna have much of a choice, because, you know, I'm half joking, but most seriously, there is clearly a discriminatory and disproportionate impact on the native communities in this area that are the closest areas to IUC, both from your agency's regulatory and permitting process as well as from the activities of that facility.

The last thing I wanted to say is since the State seems to not be able to find people's contact information of the many people who have come to meetings over the years, I want it put into the record my contact information so you can't state you didn't have it. My email is: bradley@greenaction.org. And, as I requested before, my mailing address is P.O. Box 1078, Moab, Utah 84532. And, I look forward to receiving not just the response to comments but your denial of this application, and at a minimum, the scheduling of the appropriate hearings with appropriate notice and appropriate information in the appropriate languages. Thanks.

Παγε 19 οφ 22 Πυβλιχ Μεετινγ 1/5/06

M. Jane Musselman

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P.O. Box 531
Monticello, Utah 84535
Telephone: (435) 587-2351

LOREN MORTON, P.G.:

Is there anyone else that would like to step forward and offer comments? Sure, come on up. Lori Goodman.

MARGARET GOODMAN:

Margaret.

LOREN MORTON, P.G.:

Margaret. I'm sorry. Margaret Goodman.

MARGARET GOODMAN:

All I want to say is I have a solution. I'd like to ask this gentlemen where he's from. This guy right here [motion to Mr. Hochstein]. Where are you from? (No response.) Then where are you from [motion to Mr. Morton]? (No response.) Is that, I mean, you're not willing to wolf out that information? (No response.) Well, my solution is that if you two or if you people want to keep the Mill open, I suggest that if you really, really, really persist on keeping it open, put it ten miles from your home.

LOREN MORTON, P.G.:

Okay. Anyone else who would like to step forward? Sure, come on up. You're, is it Helen? I'm sorry, Anna Frazier.

ANNA FRAZIER:

Yes. My name is Anna Frazier. I just wanted to say that it's State of Utah that is gonna be making the decision; right, whether to approve this. Is that what's gonna happen? Who am I talking to?

LOREN MORTON, P.G.:

I'm Loren Morton.

ANNA FRAZIER:

Is the State of Utah the Environmental Department gonna be making the decision to approve this?

LOREN MORTON, P.G.:

Correct.

ANNA FRAZIER:

Yes. After the hearings. Okay. I just want, you know, to make a statement to them, to the State of Utah, that we're watching them since they took over this – the facility to oversee, to be the oversight people. It used to be under NRC, but it's no longer under NRC, so it's Utah now. There's other places in the State where there's a lot of controversy to do with uranium. I think it was, yeah, uranium issues, you know, bringing in uranium waste and whatnot. And, with the

M. Jane Musselman

Certified Court Transcriber
P.O. Box 531
Monticello, Utah 84535
Telephone: (435) 587-2351

Παγε 20 οφ 22 Προβληχ Μεσηνυ 1/5/06

uranium production, the price is going up again. What I'm thinking is that if this amendment is approved by the State of Utah, that it will open up doors for a lot of other waste to come in, not only from Texas, but there's probably gonna be other States. Because, in the past, the experience is learned from companies like this,

from companies that are – that want to make money for economic development, you know, they want to make money, and they do things, bring stuff from the backdoor, which sometimes like, for instance, you know, we're talking about the type of waste that's gonna come in. It's not really defined in the report what kind it's gonna be. And, so those kinds of things happen. If this is approved, then we don't know what kind of waste is gonna come in, and also where else are they gonna bring more waste, and we know it's gonna probably higher in radiation, radioactive materials. And, we also heard that there's waste coming in from Japan. That was in the newspapers we read before Christmas. So, for all we know, they might even bring more from other – other countries for overseas. So, for us, that's kind of a flag going up, you know, it's not good for our people here. I really would like to hear from the people from Blanding; the people that live here, you know. What do they think. How do they feel about this, about their children and the schools and all that, the future of their people. How do they feel? You know, just – You've heard comments that our people, you know, we are so – I mean, we are the kind of people that don't move, move around, you know. We can't, if there's contamination here in our area, we can't just pick up our baggage or whatever and move to New York City. We don't do that. The reason why we don't do that is because of our relationship to our homeland, our relationship to the earth, our relationship to the environment, because that's what was taught to us from our people, our elders, our ancestors. So, we just don't do that. You know the person here, he did not want to say where he was from, and our ancestors or our people have always told us that those people don't have kinship. You know, they just go from town to town. But for us, you know, we have extended families. We're very family oriented, and we're very close to the environment where we are, who we are. That's who we are. So, to bring in things like this that's gonna destroy, that's endangering our – the health of our people, our generation. All that is, I mean, it's not good. And, as long as we're here, you'll always hear from us, whomever, you know, is gonna bring in more, more dangerous, hazardous contaminants like this on to or even near our land, you know. This is our ancestral land here in the Blanding area all the way down even to north of the river, down towards Page and up to in Colorado. That's our ancestral land. That's where our history comes from. So, that's the reason why we speak like the way we do, to protect who we are. Thank you.

LOREN MORTON, P.G.:

Thank you Ms. Frazier. All right. Is there anyone else that – Come forward. Your name is? Lori Goodman. All right.

LORI GOODMAN:

Lori Goodman. Yes. I just want to say more thing on the alternate feed. Because

this is not defined, so, you know, I would like some assurance that should this be radioactive waste, nuclear waste coming in, should that be coming in, who

ultimately is responsible? Is this body that the Radiation Board of Utah, are they gonna have the funding to clean up that mess if that's what it becomes? And, it's

very hard even try and imagine what we are talking about when, you know, when it says alternate waste, because in our experience, say the State of New Mexico, has special wastes and those are red flags that mean that those are something that – they are not defined for a reason – legally. And, so we need alternate feed defined, so we know what we're talking about. We want to know the health risks that's being proposed for us. I just wanted to add that and that a definition or explanation from the Utah Radiation Board saying that they, should that alternate be – turn out to be nuclear radioactive waste, that the State of Utah will ultimately be responsible for paying damages on that. Thank you.

LOREN MORTON, P.G.:

Okay. Well, anyone else have something they want to add to their previous comments or presentation? Well, if not, this meeting stands adjourned. If you'd like written responses back to you about your comments, I was gonna do that directly through your email address here that you provided. If you would rather have a paper copy mailed to you, please come forward after we adjourn and give me your mailing address, and we'll get that down so we can respond to you and provide you a written summary of the State's decision and resolve some of these comments we received tonight. Okay.

Well, if there's no other comments tonight, this meeting stands adjourned.

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